

COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
424 U.S.C. 1983

RYAN KING,

Plaintiff

Vs.

CHRISTOPHER SCHMALING	SHERIFF OF RACINE COUNTY
AND	
CORR. OFFICER GONZALES	AT RACINE COUNTY JAIL
CORR. OFFICER CAPT. WEARING	AT RACINE COUNTY JAIL
JOHN DOE DEPUTY #1	AT RACINE COUNTY JAIL
JOHN DOE DEPUTY #2	AT RACINE COUNTY JAIL
JOHN DOE CORR. OFFICER #1	AT RACINE COUNTY JAIL
JOHN DOE CORR. OFFICER #2	AT RACINE COUNTY JAIL
JOHN DOE CORR. OFFICER #3	AT RACINE COUNTY JAIL
JOHN DOE NURSE #1	AT RACINE COUNTY JAIL
JANE DOE HEAD NURSE #1	AT RACINE COUNTY JAIL
JANE DOE NURSE #4	AT RACINE COUNTY JAIL
JANE DOE NURSE #5	AT RACINE COUNTY JAIL
JOHN DOE EARPLUG MAKER	AT RACINE COUNTY JAIL
WHEATON FRANCISCAN HOSPITAL NEED ADDRESS	

JOHN DOE DOCTOR #1

AT WHEATON FRANCISCAN

JOHN DOE DOCTOR #2

AT WHEATON FRANCISCAN

JANE DOE NURSE #2

AT WHEATON FRANCISCAN

JANE DOE NURSE #3

AT WHEATON FRANCISCAN

Defendant's

STATEMENT OF CLAIM

My name is Ryan King. I am currently an inmate at Waupun Correctional Institution. P.O Box 351 Waupun, WI. 53963. at the time of my claim I was in the custody of Racine County Jail. In which the defendants are related officials contracted employees and of Racine County Jailor or Wheaton Franciscan Hospital. All of which are entities of Racine County. Either by employment, Contract, or election.

On May 13, 2015, after 9:00 p.m. lock down plaintiff King place earplugs in his ear, which were purchased on the Racine County Jail commissary list for sleep noise reduction. As such king followed the direction and placed them into his ear. Upon waking up the next morning, on 05/14/15. Plaintiff King went to remove the earplugs from his ears and the left earplug broke in half. Leaving the other half lodged in King's left ear. After being released from the cell king alerted the John Doe Nurse that was passing out morning med's. That the earplug had broke off in King's ear. John Doe Nurse looked through the door glass and seen the broken plug in King's left ear. Then John Doe Nurse said he would call plaintiff King down to the nurse's station to see if he could remove the broken earplug from King's ear.

John Doe Nurse #1 called down King to the nurse's station around 10:00 a.m. their John Doe Nurse #1 attempted to remove the broken earplug with tweezers. By doing so it caused King pain in his left ear. John Doe Nurse #1 made several attempts however, was not successful. Because the John Doe Nurse #1 tried to use tweezers he only force the plug further in King's ear canal. Causing King to have more pain in his ear. John Doe Nurse #1 stated that he would report the incident of the broken earplug in Kings ear to the head Jane Doe Nurse. Maybe she had longer tweezers that could remove it. King was sent back to the cell pod. Then later the head Jane Doe Nurse #1 called king down to the nurse's station to attempt to remove the earplug. This was sometime after 11:00 am. on 05/14/15. The head Jane Doe Nurse #1 took King's vitals. The Head Jane Doe Nurse #1 tried several times to remove the earplug. Each time causing King to have a jolting pain, in his ear. However, she was unsuccessful in the removal of the broken earplug. She only managed to cause the kings left ear to bleed and to force the earplug further down in the ear canal causing further pain. The head Jane Doe Nurse #1 said that the plug had to be removed or it cause damage to the ear and infection could set in and case graver damage. So she set up for king to be transferred to the Wheaton Franciscan emergency room. King was sent back to the cell hall in grave pain and did not receive any medication because the Head Jane Doe Nurse did not know the coarse of treatment the Wheaton Franciscan ER might take to treat Kings ear. King was sent to Wheaton Franciscan Emergency Room on 5/14/15. Escorted by two John Doe Deputies. Upon entering the ER Kings vitals where taken by Jane Doe Nurses #2. Then the Jane Doe nurses and then acting John Doe Docs began to treat Kings ear. The John Doe Doc #1 And John Doe doc #2 tried to remove the broken earplug by using several different tools. Each time causing king more pain and bleeding in the ear. However were unsuccessful in the removal of the broken earplug. They only caused the broken

earplug go further in the ear. And cause more bleeding and pain. The John Doe Doc #1 stated we are unable to remove the earplug without causing more damage to the ear. It will have to be removed surgically. Then John Doe Doc #2 said let's see if we can set him up with an Ear Nose and Throat specialist first. They may have some type of special tool to remove the broken earplug. If they cannot remove the broken earplug then it will have to be surgically removed. Since it has been pushed so far down in his ear canal now. The John Doe Doc #2 said he would call and set up appointment and write the appointment and pain meds for King's ear on the medical release records. King and the John Doe Deputy's were left in the ER room waiting for the Medical release records. The Jane Doe nurse #3 came in and gave King some meds for the pain in his ear.

Then Jane Doe nurse #2 bought the medical release records and gave them to the John Doe Deputy #1. The John Doe Deputy #1 began to read the record and it said that the ER had successfully removed the broken earplug from King's left ear. After hearing John Doe, Deputy #1 read the medical release record. King stated that the medical release record was wrong and needed to be changed before we leave. However, the John Doe deputy #1 said he did not have the time to get the medical release record changed, because he had to get to a counseling meeting with his wife and he could not be late. Then King turned to John Doe deputy #2 and said hey that needs to be fixed and the John Doe Deputy #2 said he is in charge. Then John Doe Deputy #1 said he would inform the Racine County Jail about the incorrect medical release record. In addition, about the appointment with Ear Nose and Throat specialist. King was then escorted back to the RCJ.

On the morning of 5/15/15 about 6:00 a.m. King went to door to receive meds from Jane Doe Nurse #4. King was told there was no meds for him. King asked why? The Jane Doe

Nurse #4 said because the broken earplug was removed. King stated that the broken earplug had not been removed and asked the nurse to take a look. The Jane Doe Nurse #4 refused to look. The King began to tell the Jane Doe Nurse #4 about the medical release records being wrong. And how the John Doe Deputy #1 said he would inform the jail about the incorrect medical release records. Then King was threaten by John Doe CO #1. If he did not leave from in front of the door, he would place him in the hole. King went back to his cell in pain. King then filled out a Inmate Request/Complaint form on 05/15/15 at 8:00 a.m. to Sgt. Gonzales or the Sgt. on duty to inform he or she that the medical record was wrong and that he was suppose to see a Ear Nose Throat specialist to get the broken earplug removed. The Inmate Request/Complaint form reads: I am writing in the matter of my ear. I went to emergency room on 05/14/15. I was told that the were to bring me back on 05/15/15 to the Ear Nose and Throat specialist. No one came to take me and my ear hurts. After the nurses in the jail and doc in the emergency room dug in my ear without retrieving the earplug part. The deputy brought back the paperwork. I wonder what is going with the matter?

King did not receive any response from Sgt Gonzales or the Sgt. on duty. King was forced to go all day without meds. King pressed his emergency button several tines doing the night with no answer. King then filled out a Inmate Request For Medical Attention form at 3:00 a.m. on 5/16/15 complaining about the pain in his ear and face area. And also explained about the situation surrounding the medical document sent back to the jail from the Wheaton ER. King also explained about the appointment to the Ear Nose and Throat specialist. King also explained how the John Doe Deputy #1 was suppose to explain to the Racine County jail that the medical release records were incorrect and that they did not remove the broken earplug for inmate Kings ear. The Inmate Request for Medical Attention reads:

writing to inform you that the emergency room couldn't remove the earplug from my ear. They said you were to the next day at 9:00a.am. And schedule with Ear Throat Nose specialist. The CO read the paperwork at the hospital and knew it was wrong but said he was to write it wasn't removed, my ear is setting up infection. I informed the CO on 5/15/15 & Paula the nurse. It hurts. I'M in pain so please help me !!!

On 5/16/15 around 6:00 a.m., King went to the door to try to get help for the pain he was having in his ear. The Jane Doe Nurse #5 refused to give King any meds or any medical attention. King explained the situation surrounding the false medical release records. And then asked the Jane Doe Nurse #5 to take a look The Jane Doe Nurse refused. But said she would check with the Wheaton Franciscan ER if they sent back incorrect information on their medical release records on King. King then went back to call in pain because he did not receive any medical attention or meds for pain. The Jane Doe Nurse #5 did not contact King back before her shift change. King filled out another Inmate Request/Complaint form. On 05/16/15 to Sgt. Gonzales, explaining how the Jane Doe Nurse #5 said she would check back with King and with emergency room to see if the medical release information was in deed correct. And then she would bring me something for the pain. But the Jane Doe Nurse #5 never came back or contacted King. That Inmate Request /Complaint reads:

I'm writing about my ear. The nurse refused to see me. She told me this morning she was going to check about my ear. The emergency wrote out the paper wrong. They couldn't remove the earplug so they wanted the nurse to call the ear throat and nose specialist to see if they could remove or due surgery to remove it. I've been writing for 2day complaining about the swelling in ear & face. I told the nurse with no help. I'm wondering why I am being denied medical assistance? I've been waiting for service.

King then also filled out another Inmate Request for Medical attention on 5/16/15 at around 4:15 p.m. Explaining the pain he was having in his face and ear. That Inmate request for medical Attention reads:

I wrote a med form out this morning 5/16/15 about my ear. I talked to the nurse when she served meds about my ear. She told me she would check. I talked to her again at 2:30 p.m. she said she would check. No one came to see me about my ear or give me any meds. The emergency room print out was wrong and the deputy Becker was suppose to alert the nurse about mistake. My ear is has my face puffy. I'm begging for help!!!

King did not receive any medical attention or meds that day he was forced to deal with excess pain. King then Filled out a Inmate Request/ Complaint form 05/16/15 tot Capt.. Wearing explaining how he wrote to Sgt. Gonzales about the nurses refusing him service all day. The Inmate request /Complaint form reads:

I wrote Sgt. Gonzales on the matter of my ear. The nurse wouldn't even service me all day on 5/16/15. I wrote several med forms even spoke to her about my pain with no help. Explained to her that the officer knew the med report from hospital was wrong but said he would tell the nurse. I press my medical emergency button several times and ignored. Then when answered and spoke about my pain and ignored. They think I'm lying instead of checking on me. My constitutional rights have been violated! King also spoke to the 3rd shift JOHN DOE CO about seeing the nurse. For something for the pain he was in. The John de CO told King to fill out a Inmate Request for Medical Attention form and that he would call the nurse. The John Doe CO #2, who told King that the nurse was coming. However the Jane Doe nurse never came. King filed out a Inmate Request For Attention at 11:30 p.m. on 5/16/15 explains how he wrote 1st and 2nd shift Sgt. explaining how the nurse refused to treat his ailment King also stated no one

seems to care and asked if he was being punished something. King explained again how the medical document was wrong and they did not remove the broken earplug. And explained again about the Ear Nose and Throat specialist and how he was not receiving any meds for the pain he was in. this Inmate Request for Medical Attention form reads:

wrote 1st 2nd shift about my ear pain. The nurse refused to treat me. I'm writing you about my pain. No one seemed to care. I've been lied to over and over again with no help. I'm writing this at 11:30 p.m. 5/16/15. Is this common practice or am I being punish for something. I'm in pain!!!! They didn't remove the object out of my ear. I was suppose to go 5/15/15 to get it removed. No one took me or gave me meds. This Inmate Request for medical attention form was placed in the bars 11:L30 p.m. and not picked up until 5:00 a.m. on 5/17/15.

King went to the door around 6:15 a.m. explained about his pain to the Jane Doe nurse #4. Also explained how the medical release form was incorrect and how the John Doe Deputy #1 and John Doe deputy #2 refused to get the medical release record changed because of a counseling meeting that John doe Deputy #1 he had with his wife. King asked the Jane Doe nurse #4 to look in his ear, but the Jane Doe nurse refused to service King or give any meds for the pain. King filled out another Inmate request for Medical attention. On 5/17/15 at 7:30 a.m. explaining how he had asked for something for the pain he was having and that he did not receive any meds for three days. Explained how his face and ear was getting puffy and thinks it is infected. And asked the nurse is this common practice to ignore a patient request for help. King filled out a Inmate request for? Complaint to Sgt. on duty on 5/17/15 explaining how he was being lied to by the 3rd shift JOHN DOE CO. #2. The Inmate request /complaint form reads.

Ask 3rd shift for nurse for the pain in my ear. They said she was coming. Never came.

This has been going on for three days. Nurse refused to treat my ear. All I want is something for the pain.

King did receive ant answer from any Inmate Request/complaint forms or Inmate Request for Medical attention forms. King was again forced to deal with the pain he was in with no medical help. King went to the door on 5/18/15 again King asked the Jane doe nurse #5 for meds and treatment but was refused again. By the Jane Doe nurse #4. King Filled out another Inmate Request for Medical Attention form on 5/18/15. King writes that he believes because of the charges he is that he is denied service. Inmate Request For Medical attention reads:

Given meds at 10:30 a.m. 5/17/16 but denied at 10.00 a.m. 5/18/16. Is this being done because of my charges I'm her on? I believe the jail is trying to keep me in pain because of case. This cant be normal. I would like to see who is even in charge of the nurses. Maybe they will help me.

The Racine County Jail Jane doe nurse finally came to see King 5/18/17 after contacting one of the John Doe Deputy #2 who took King to the Wheaton Franciscan ER. The John Doe Deputy #2 explained how the earplug was not removed and how the Medical release form was incorrect. In addition, how the other John Doe Deputy #1 refused to get the medical release form changed because he was in a hurry to get to a counseling meeting with his wife. Only after that the RACINE COUNTY JAIL Jane Doe nurse agreed to see King. The nurse took Kings blood pressure, which was a 136/88. She records the tenderness to the left ear and face. Also on 5/18/15 King was issued meds for the pain for three days. King was then sent the prior day to the EAR NOSE AND THROAT SPECIALIST for the removal of the broken earplug and it was finally successfully taken out. King now has some hearing difficulties with hi left ear due to the damage he had done to his ear by the miss representation of the earplugs being sold on RACINE

COUNTY JAIL canteen as sleep earplugs. The ineffective removal of the broken earplug by John Doe nurse and Jane Doe nurse at RACINE COUNTY JAIL. The male practice by the Wheaton Franciscan Emergency Room John doe doc's and Jane Doe nurses, by neglecting to fill out the correct diagnostics on medical release form. The knowledge of the Racine County Deputy's knowing and intentionally refusing to alert the Wheaton Franciscan John and Jane Nurses that the medical release form was incorrect so it could be properly changed due to personal matter. One of John Doe Deputy's stated "he did not have time to correct the matter because he had a counseling meeting with his wife and he could not be late."

The Racine County Jail nurses for the refusal, of treat for ailment. The CO's in the Racine County Jail for the ignoring the needs of an inmate. The Racine County Jail for miss representation and sale of a safety product. And the maker of the earplugs for selling defective earplugs.

JURISDICTION: I AM SUING FOR A VIOLATION OF FEDERAL LAW UNDER 28 U.S.C § 1331

This document is not complete for lack of information and cooperation of certain Defendants untimely release of documents.

RELIEF WANTED

I am seeking, 50,000.00 from each John Doe Deputy and Sheriff Defendant in their individual capacity and 50,000.00 in their official capacity. In addition, I am seeking, 50,000.00 from each John Doe and Jane Doe Nurse Defendant in the Racine County Jail in their individual capacity and 50,000.00 in their official capacity. I am seeking 50,000.00 from each John Doe Correctional Officer Defendant in their individual capacity and 50,000.00 in their official capacity. I am

seeking from Sgt. Gonzales In the individual capacity of 50,000.00 and 50,000.00 in the official capacity. I am seeking in the individual capacity 50,000.00 from Capt. Wearing and 50,000.00 in the official capacity. I am also seeking 100,000.00 from each John Doe doctor and Jane Doe nurse Defendant at Wheaton Franciscan Hospital in their individual capacity. I am seeking 1,000,000.00 from the Defendant Wheaton Franciscan Hospital. In addition, I am seeking 1,000,000.00 from the John Doe Maker Defendant of the earplugs I will also be seeking punitive damages. To be determined.

RYAN KING #361266

WAUPUN CORRECTIONAL INSTITUTION

P.O. BOX 351

WAUPUN WI. 53963

Pursuant to 28 U.S.C. § 1331 I Ryan King swear under the penalty of perjury that this document is true and to correct to the personal knowledge of my belief to be correct.

Dated, 5/11/18 2018

Signed By 